

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

GEORGE HENGLE, *et al.*,
Plaintiffs,

v.

Civil Action No. 3:19-cv-00250-DJN

SCOTT ASNER, *et al.*,
Defendants.

DATA PROTECTION ORDER

This matter comes before the Court on the parties' Joint Motion for Entry of Data Protection Order (ECF No. 211). For good cause shown, and because the parties agree, the Court hereby GRANTS the Motion.

This Data Protection Order (the "Order") is entered by the Court at the joint motion of the Habematolel Pomo of Upper Lake, a federally recognized Indian tribe (the "Tribe") and the law firms of Gupta Wessler, PLLC; Kelly Guzzo PLC; and Consumer Litigation Associates, P.C. (collectively the "Plaintiff Firms"). The Tribe and the Plaintiff Firms may be referred to collectively as "the Parties." Pursuant to the terms of the Settlement in this Action (ECF 185-1), as preliminarily approved by the Court (ECF 209), the Tribe is to share with Plaintiff Firms certain data belonging to its wholly owned economic development arms. This Order governs the Tribe's and the Plaintiff Firms' obligations regarding this data sharing.

1. For purpose of this Order, the "Data" means all customer information and related data transmitted by the Tribe to Plaintiff Firms in accordance with the settlement of this matter, that identifies or relates to any individual person and that contains the full name, social security number or date of birth of such individual. For such individuals, the Data shall include:

customer names; email addresses; phone numbers; physical addresses; Social Security numbers; internal customer identification and transaction numbers; and transaction information including loan amount, total amount paid, dates of origination, funding, payments, and account closure, and outstanding balance.

2. The Tribe will produce the Data to Plaintiff Firms in accordance with the terms of the Settlement.

3. Plaintiff Firms warrant that all Data will be safeguarded using measures that are commercially reasonable, including physical, technical, and administrative safeguards, in order to protect the Data from unauthorized use, access, or disclosure. Plaintiff Firms will abide by all applicable laws and regulations in connection with their receipt, storage, use, and disposal of the Data. The Tribe is not otherwise responsible for safeguarding the Data while in the possession of Plaintiff Firms and/or American Legal Claims Services (the “Settlement Administrator”), and the Plaintiff Firms and the Settlement Administrator, as applicable, assume all liabilities for the Data in their possession.


4. Plaintiff Firms will not duplicate, copy, or transfer the data over or through the Internet without the prior written consent of the Tribe. Access to the Data will be limited to Plaintiff Firms’ personnel who have a direct need to access it for purposes of implementing the settlement of the Action, and employees of the Settlement Administrator who have been authorized to access it.

5. The Data will only be used for implementation of the Settlement and/or settlement of any related action, and/or litigation of this or any related action, and for no other purpose, unless otherwise agreed to by the Parties.

6. Unless otherwise agreed in writing by the Parties, Plaintiff Firms will dispose of the Data within One Hundred Twenty (120) days after the latest date of the Effective Date of the Settlement and/or settlement of any related action, or the dismissal with prejudice of this action or any related action. Such disposal will be performed using commercially reasonable methods that render the data unreadable and unrecoverable. No later than five business days after disposal, Plaintiff Firms will provide a certification of disposal to the Tribe.

Let the Clerk file a copy of this Order electronically, notify all counsel of record and send a copy to Plaintiff at his address of record.

It is so ORDERED.


_____/s/_____
David J. Novak
United States District Judge

Richmond, Virginia
Dated: May 24, 2022

25 